

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	§	Confirmation No.: 9224
Walton et al.	§	
	§	Group Art Unit: 2618
Serial No.: 10/692,833	§	
	§	Examiner: NGUYEN, SIMON
Filed: 23 October 2003	§	
	§	Docket No.: 030060
Title: DATA DETECTION AND	§	
DEMODULATION FOR	§	
WIRELESS COMMUNICATION	§	
SYSTEMS	§	

In accordance with 37 C.F.R. § 1.8, I certify that this Correspondence is being submitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 via the USPTO's EFS-Web Electronic Filing System on 31 MARCH 2011.

/jameshuntvancejr53809/

James Hunt Yancey, Jr., USPTO Reg. No. 53,809

**PETITION UNDER 37 C.F.R. § 1.137(B) TO REVIVE APPLICATION  
& 37 C.F.R. § 1.313 PETITION TO WITHDRAW APPLICATION FROM ISSUANCE**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Honorable Sir:

Applicant timely provides this petition to revive this Application, submit the outstanding issue fee, and withdraw the application from issuance for consideration of an IDS. Applicant requests the USPTO to: (a) revive the application for unintentional abandonment; and (b) withdraw the application from issuance so that an Examiner can consider the RCE and IDS filed with this paper. Applicant respectfully requests that this dual petition be granted and that the application be granted after consideration of the RCE and IDS.

## **REMARKS**

Applicant unintentionally failed to timely respond to a Notice of Allowance on 29 March 2011, and as a result, it is believed this Application is now abandoned. Applicant files this petition to revive the Application and to move forward with the Application. This petition is believed to be in proper form and should be granted in full for the below reasons.

### **I. Petition To Revive Application & Issue/Publication Fee Payment**

Applicant believes that this petition fully satisfies 37 C.F.R. § 1.137(b). Applicant authorizes the USPTO to charge all outstanding issue fees, publication fees, petition fees, and any other fees deemed due to Dep. Acct. 17-0026. The entire delay in not providing a timely response to the Notice of Allowance in this case was unintentional. Applicant provides the required revival petition fee and no terminal disclaimer is needed. Applicant believes that 37 C.F.R. § 1.137(b) is fully satisfied and that the application should be revived.

### **II. Petition To Withdraw Application From Issuance**

Applicant desires to have the contemporaneously provided RCE and IDS considered upon revival of the Application. Thus, Applicant respectfully requests the USPTO to withdraw this Application from issuance in accordance with 37 C.F.R. § 1.313(c)(2) and charge the necessary fee to Dep. Acct. 17-0026. As this rule states: "Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except . . . [c]onsideration of a request for continued examination in compliance with § 1.114." Applicant files a continued examination request with fee and IDS with this submission. Applicant requests the USPTO to consider the new IDS. It is believed that the Application remains in allowable condition for at least the reasons the Examiner stated in the Notice of Allowance.

### **III. Fees**

Applicant authorizes charging of all necessary fees to fully grant this dual petition and the Commissioner is authorized to charge any fees deemed due to Dep. Acct. 17-0026 for acceptance of this submission, granting this dual petition, and for fully reviving this application.

#### **IV. Statement Regarding IDS Submission**

Applicant submits the new IDS in compliance with 37 C.F.R. § 1.56. This Application is related to a number of co-pending cases (both US and international) and Applicant submits items from these related matters to ensure that the Examiner receives items known to Applicant.

Applicant acknowledges that a large number of references are cited in the newly submitted IDS and have been cited during prosecution of the Application. Applicant cites the new items out of an abundance of caution to ensure full compliance with 37 C.F.R. § 1.56. Applicant follows MPEP guidance and USPTO recommendations that states, “[w]hen in doubt, it is desirable and safest to submit information.” See MPEP § 2004 (Consideration Number 10) (citing *LaBounty Mfg., Inc. v. U.S. ITC*, 958 F.2d 1066, 1067 (Fed. Cir. 1992)). Further, Applicant notes the instructions in MPEP § 2004 that “[e]ven though the attorney, agent, or applicant doesn’t consider it necessarily material, someone else may see it different and embarrassing questions can be avoided.” *Id.* Applicant follows these USPTO recommendations by providing the new IDS submission.

The submission of the information shall not be deemed an admission that the information is necessarily material to the patentability of this Application. In addition, the submission of this information shall not be deemed that a search has been conducted or that the cited information is prior art. See 37 C.F.R. § 1.97(g)-(h).

**V. Conclusion**

This submission is believed to be a complete response to the outstanding Notice of Allowance and presents facts necessary to grant the dual relief sought. Applicant respectfully asserts that the pending claims are in condition for allowance and respectfully requests passing of this case in due course of USPTO business.

If USPTO personnel believe that any issues associated with the Application can be resolved over the phone or by Examiner's amendment, a telephone call to Hunter Yancey at 858-845-7534 is respectfully requested.

Respectfully submitted,

QUALCOMM, INC.

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**DATE: 31 MARCH 2011**